

WEDNESDAY, 9 o'clock, A. M. January 30th, 1850.

The Senate was called to order by the President--Senators present: Messrs. Brashear, Cooke, Gage, Grimes, Hart, Latimer, McRae, Moffett, Parker, Phillips, Portis, Taylor, Truit, Ward, Walker and Wallace.

The Journals of yesterday were read and adopted.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill supplementary to an act regulating elections, passed March 16th, 184-; reported a substitute therefor and recommend its adoption.

Mr. Phillips, from the same committee, made the following report:

COMMITTEE ROOM, Jan. 30th, 1850.

Hon. JOHN A. GREER,

President of the Senate:

The Judiciary committee, to whom was referred a bill to amend the charter of the town of Goliad, have had the same under consideration, and a majority of the committee have instructed me to report:

That the amendment proposing to legalize acts which seem from the exhibits, to have been done in direct violation of the former charter, ought not to be sanctioned by the Legislature. The town property was originally donated in part, for a free public school, for the benefit of the county generally, as well as the town. Yet, it seems the funds have been appropriated to a large extent, for the use and benefit of a private school, established for individual emolument. That the school is open to the citizens, on payment of tuition, at such rates as are customary in other schools of the same class, does not obviate the objection. The dedication was made for a free school altogether, that the poor, as well as the rich, might receive the benefit of an education. By the diversion of the fund, the object of the original donation, is entirely defeated.

The proposed amendment, giving the corporation exclusive jurisdiction over roads, ferries, &c., within the corporate limits, is equally objectionable. It would be establishing a bad precedent to take away the jurisdiction of the County court in this respect, and confer it on a small corporation, liable to be controlled by a few individuals, and who, if so disposed, might seriously infringe upon the rights of a large portion of our citizens, entitled to the protection of general laws, and who may justly claim exemption from special and independent authorities.

From information furnished your committee, they have good

reason to believe that a large and respectable portion of the citizens of Goliad county are opposed to the proposed amendments. In view of these considerations, they recommend that the bill be laid upon the table.

A. H. PHILLIPS, *Chairman.*

Mr. Ward, from the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, Jan. 29th, 1850.

Hon. JOHN A. GREER,

President of the Senate :

The committee on Enrolled Bills have deposited on the Governor's table for his examination, on the 28th inst., the following, viz:

A bill to provide for the payment of jurors.

A resolution of the State of Texas, on the subject of slavery.

Mr. Wallace, from the committee on Enrolled Bills, made the following report :

COMMITTEE ROOM, Jan. 30th, 1850.

Hon. JOHN A. GREER,

President of the Senate :

The Joint committee on Enrolled Bills, have examined the following bills and joint resolutions, and find them correctly enrolled :

The bill to be entitled an act repealing an act authorizing the appointment of a Fiscal Agent, and for the better security of the revenue, approved March 20th, 1848.

The Joint resolution for the relief of Zebulon M. Porter.

The joint resolution for the relief of John Hobson.

The bill to be entitled an act to create the twelfth Judicial district.

The joint resolution to provide for the payment of translating the laws of the first and second sessions of the Legislature into German, and for printing the same.

The bill to incorporate the town of Tyler, in Smith county.

The bill more particularly defining the boundaries of Van Zandt county; and

The bill for the relief of Samuel C. Douglas.

Mr. Portis, from the committee on Military Affairs, made the following report :

COMMITTEE ROOM, Jan. 30th, 1850.

Hon. JOHN A. GREER,

President of the Senate :

The committee on Military Affairs, to whom was referred a bill to be entitled an act for the payment of the forage, subsistence,

medicine, &c., of the company of mounted volunteers, commanded by Capt. Johnson, and mustered into the service of the State, by order of his Excellency, George T. Wood, Governor, have had the same under consideration, and have instructed me to report, that the services rendered were of a like character of those mustered into service by Col. H. L. Kinney, and that the volunteers are entitled to the same relief. The committee deem it unnecessary to recapitulate the facts embraced in their former reports, and which induced the Legislature to extend relief to the other company. They are satisfied that the services were meritorious, and the relief sought due in justice.

They have, therefore, instructed me to report the bill back to the Senate, and recommend its passage.

DAVID Y. PORTIS,

one of the committee.

A message received from the House of Representatives, informing the Senate, that the House had passed a bill for the relief of the sufferers by the destruction of the records and certificates in the District of Rusk, originating in the Senate; also,

A bill for the relief of certain persons, formerly prisoners of war, in Mexico, originating in the House.

On motion of Mr. Portis, Mr. Burleson was excused from attendance on the Senate, until Friday next.

ORDERS OF THE DAY.

On motion of Mr. Portis, a bill to quiet the land titles issued to colonists, previous to November, 1835, in the colonies of Austin, De Witt and De Leon, &c.; was taken up and read.

Mr. Robertson moved that the Senate could not entertain the bill, in consequence of a bill containing the same substance, having been rejected by the House.

Upon which, the yeas and nays were called, and were as follows:

Yeas: Messrs. Brashear, Cooke, Grimes, Hart, Latimer, McRae, Parker, Robertson, Truit, Ward, Walker and Wallace—12.

Nays: Messrs. Davis, Gage, Kinney, Moffett, Pease, Phillips, Portis, Taylor and Van Derlip—9.

So the Senate refused to entertain the bill.

Mr. Moffett, chairman of the committee on Engrossed Bills, made the following report:

COMMITTEE ROOM, Jan. 30th, 1850.

HON. JOHN A. GREER,

President of the Senate.

The committee on Engrossed Bills, have examined the joint

resolution for the relief of persons who have obtained unconditional certificates from the County court of Grimes county, sitting as a board of land commissioners, issued between the day of July, 1848, and the day of December, 1848; and found the same correctly engrossed.

On motion of Mr. Robertson, a bill for the relief of the heirs of Arthur Eldridge, was taken up, read and ordered to be engrossed.

On motion of Mr. Van Derlip, a bill authorizing Joseph H. Beck, to plead and be allowed certain offsets, in cases therein mentioned; was taken up, together with the report of the committee on Finance, recommending that no further action be had thereon; was read, and report adopted.

Joint resolution demanding of the Federal Government of the United States, the immediate abolition of all Military Government within the Territory of Texas, and authorizing the Governor to employ the whole force and resources of the State to sustain the sovereignty and jurisdiction thereof; read third time and passed, by the following vote:

Yeas: Messrs. Cooke, Davis, Kinney, Moffett, Portis, Robertson, Taylor, Truit, Van Derlip, Walker and Wallace—11.

Nays: Messrs. Brashear, Gage, Grimes, Hart, Latimer, McRae, Parker, Pease, Phillips and Ward—10.

A bill making an appropriation of land for H. P. Brewster and James Wehl.

Mr. Cooke moved to refer the bill to the committee on Claims and Accounts. Lost.

The bill was then ordered to be engrossed.

A bill to organize the county of Ellis, together with the report of the committee on the Judiciary, offering amendments thereto; was read, amendments adopted, and passed to a third reading.

The report of the committee on the Judiciary, on the petition of Robert Gilletly, asking the cancellation of two grants, claimed by the petitioner as a purchaser, and that certificates may be granted in lieu of said grants, &c., recommending that the petition be laid on the table; was read and adopted.

A bill to incorporate the town of Rusk, together with the report of the committee on the Judiciary, offering amendments; was read and amendments adopted.

Mr. Parker moved to amend by inserting at the end of the 8th section, "shall not exceed one-half of one per cent. in any one year." Adopted.

On motion of Mr. Parker, the rule was suspended; bill read third time and passed, by the following vote:

Yeas: Messrs. Cooke, Davis, Grimes, Hart, Kinney, Latimer,

Moffett, Parker, Phillips, Robertson, Taylor, Truit, Van Derlip, Ward and Wallace—15.

Nays : None.

On motion of Mr. Wallace, the petition of Wm. B. Lewis was taken up, and referred to a Select committee.

Messrs. Wallace, McRae and Truit, were appointed said committee.

A bill to regulate the transfer of the Consolidated stock fund of the late Republic of Texas, together with the report of the Judiciary committee, recommending that it be laid on the table; was read and report adopted.

Mr. Moffett introduced a bill for the relief of B. F. Mott; read first time.

Joint resolution for the relief of Christopher Troute and R. M. Davis; read and passed to a third reading.

Joint resolution for the relief of William R. Baker; read and passed to a third reading.

A bill to provide for the removal of the archives of the State, to the seat of government, if removed from Austin, by the vote of the people, to be taken in the year 1850; read.

Mr. Latimer moved to lay the bill on the table.

On motion of Mr. Gage, a call of the Senate was ordered, and Sergeant-at-arms despatched after absent members.

On motion of Mr. Gage, the Senate adjourned until half-past 2 o'clock, P. M.

HALF PAST 2 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

The question before the Senate was on the motion to lay the bill to provide for the removal of the archives of the State, to the seat of government, if removed from Austin, &c., on the table, upon which, the yeas and nays were as follows :

Yeas : Messrs. Davis, Kinney, Phillips, Portis, Robertson and Van Derlip—6.

Nays : Messrs. Brashear, Croke, Gage, Grimes, Latimer, McRae, Moffett, Parker, Pease, Taylor, Truit, Ward, Walker and Wallace—14. Lost.

The bill was then ordered to be engrossed, by the following vote :

Yeas : Messrs. Brashear, Cooke, Davis, Gage, Grimes, Latimer, McRae, Moffett, Parker, Pease, Robertson, Taylor, Truit, Ward, Walker and Wallace—16.

Nays : Messrs. Kinney, Phillips, Portis and Van Derlip—4.

Mr. Portis, from the committee on Military Affairs, to which was referred a bill to define the boundaries of Limestone county, reported the same back to the Senate, and recommended its passage.

Mr. Phillips, chairman of the committee on the Judiciary, to whom was referred a bill relating to the proceedings in civil actions; reported the same back with an amendment, and recommended its passage.

Amendment. Strike out "civil actions," in the caption, and insert "District courts."

A bill regulating estrays; read third time.

Mr. Parker moved to insert "mule," before "jack," in 2d line of first section. Adopted.

The bill then passed.

A bill supplementary to an act to amend an act supplementary to an act to create and organize the county of Panola; read third time and passed.

Joint resolution for the relief of persons who have obtained unconditional certificates from the County Court of Grimes county, sitting as a board of Land Commissioners, issued between the day of July, 1848, and the day of December, 1848; read third time and passed.

On motion of Mr. Kinney, a bill for the relief of all just and bona fide holders of, or claimants to land granted by the governments of Spain, Mexico, or colonized and held in conformity to the laws of Mexico, and the State of Tamaulipas, as recognized by the Constitution and laws of the Republic and State of Texas, lying and situated in that portion of the Territory within the limits of Texas, west of the Nueces river, to prohibit patents from issuing thereon, that said holders or claimants may have time to have registered and filed their muniments and warrants of title, as this act shall direct; was taken up and read.

Mr. Van Derlip moved to amend by inserting after the word "rivers," in the 5th line of the preamble, the words "and the territory embraced within the counties of Presidio, El Paso Worth and Santa Fe."

The bill was then ordered to be engrossed.

A bill to authorize the Commissioner of the General Land Office to issue patents on certificates issued by the board of Land Commissioners of Robertson county, under certain restrictions; read third time and passed.

On motion of Mr. Ward, joint resolution relative to the removal of obstructions to the navigation of Red River; was taken up and read.

Mr. Ward offered to amend by inserting the following additional section, to be section 3.

"SEC. 3. That the whole of said raft shall be thoroughly and substantially removed and kept open the whole distance of the original raft, so that steam boats can pass at any time without risk or detention, before any toll shall be collected by said company, as provided by this act, and if from any accumulation of drifting timber, or from any other cause, the navigation should become obstructed, so as to prevent the safe passage of boats, the said company shall remove the same within ten days, or they shall forfeit and pay to the party or parties aggrieved, \$25 per day, for each and every boat thus detained, and if the said company should permit the navigation through said raft to be and remain closed during the boating season, for the space of thirty days, then and in that case, the said company shall forever forfeit all right to charge any toll on freight, that may pass up or down said river, thereafter; and further provided, that said company, or undertakers to remove said raft, shall not be permitted in the prosecution of that work to close Red Bayou, or divert the water that flows through said Bayou from its natural course, or obstruct the navigation of the same, in any manner."

Amendment rejected, and joint resolution passed by the following vote:

Yeas: Messrs. Brashear, Coker, Grimes, Hart, Latimer, McRae, Parker, Pease, Portis, Truit, Van Derlip, Walker and Wallace—13.

Nays: Messrs. Gage, Kinney, Moffett, Robertson, Taylor and Ward—6.

A bill to authorize Judges of the District courts to hold special terms of the District courts; read.

Mr. Portis moved to amend the caption, so as to read, a bill to be entitled an act requiring the District Judge of the sixth Judicial district, to hold special courts in the county of Paulina. Adopted.

On motion of Mr. Portis, the bill was referred to a special committee of one.

Mr. Portis was appointed said committee.

A bill for the relief of the heirs at law of Joseph Thompson, dec'd.; read third time and passed.

A bill to amend an act to establish the Judicial districts of the District courts; read.

On motion of Mr. Pease, made the order of the day for Saturday, Feb. 2d.

A bill for the relief of Martha McBride and Margaret Garrett,

together with the report of the committee on Public Lands, offering an amendment thereto, was read, amendment adopted and bill passed to a third reading.

A bill to define the line between Gonzales and Caldwell counties; read first time.

A bill to repeal an act to provide for closing the business of the late War and Marine Department, and to transfer the books and paper of the Adjutant General's office, to the office of Secretary of State, together with the report of the Select committee, recommending that the bill be laid on the table; was read, and report adopted.

Joint resolution relating to the mails of Texas, together with the report of a Select committee, offering amendments thereto; was read, amendments adopted and joint resolution ordered to be engrossed.

On motion of Mr. Brashear, the rule was suspended; resolution read third time and passed.

Mr. Portis, to whom was referred a bill requiring the District Judge of the 6th Judicial District, to hold special courts in Panola county; reported a substitute for the 1st section of the bill, and recommended its adoption, and the striking out the second section, and the passage of the bill.

Substitute for first section.

"SEC. 1. *Be it enacted by the Legislature of the State of Texas*, That when from any unavoidable cause, the District Judge of the sixth Judicial district, shall fail to hold a District court in the county of Panola, during the time prescribed by law, it may and shall be lawful for the Judge of said District court, to hold a special term of the said court, in and for such county, for the trial of causes, civil and criminal, upon giving thirty days notice of the time of holding said special term, which said notice shall be posted up at the courthouse door, and published in some newspaper, published in said county, if there be one, and if there be none, then in the nearest newspaper published in one of the adjoining counties.

A bill for the relief of the estate of Francis J. Hoskins, dec'd.; read 2d time, and ordered to be engrossed.

The report of the committee on Claims and Accounts, on the petition of J. Pinckney Henderson, attorney for the heirs of Geo. S. McIntosh, dec'd.; recommending that the petition be laid upon the table; was read and adopted.

A bill for the relief of George T. Howard and Duncan C. Ogden; read and passed to a third reading.

A bill to amend the fourth section of an act for the regulation

of pilots at the mouth of the Brazos river, approved March 18th, 1848; read and passed to a third reading.

On motion of Mr. Portis, the rule requiring reports to lie on the table one day, was suspended; and the report of the Judiciary committee on a bill supplementary to an act regulating elections, passed March 16th, 1848, offering a substitute therefor, was taken up; read, substitute adopted, and bill ordered to be engrossed.

Joint resolution providing for the most efficient and certain protection of the exposed borders and frontier portions of Texas, against the continued hostility and depredations of the Indians, together with the report of the committee on Military Affairs, offering an amendment thereto; was read, and amendment adopted.

On motion of Mr. Portis, the proviso in the second section was stricken out.

The yeas and nays were called on its engrossment, and were as follows:

Yeas: Messrs. Cooke, Davis, Gage, Kinney, Moffett, Parker, Phillips, Portis, Truit, Van Derlip and Walker—11.

Nays: Messrs. Grimes, Hart, Latimer, McRae, Taylor, Ward and Wallace—7.

So the bill was ordered to be engrossed.

Joint resolution for the removal of Indians beyond the limits of the State of Texas, together with the report of the committee on the Judiciary, offering an amendment thereto; was read and amendment adopted.

Mr. Gage moved to amend by striking out "George T. Wood," wherever it occurred, and inserting "our Senators."

Upon which the yeas and nays were as follows:

Yeas: Messrs. Brashear, Cooke, Gage, Pease, Van Derlip, Ward and Wallace—7.

Nays: Messrs. Grimes, Kinney, Latimer, McRae, Moffett, Parker, Phillips, Portis, Robertson, Taylor, Truit and Walker—12. Rejected.

The joint resolution was then ordered to be engrossed.

The following bills and joint resolutions from the House, were severally read a first time, viz:

A bill for the relief of certain persons, formerly prisoners of war in Mexico.

A bill to amend the 130th section of an act regulating proceedings in civil suits, approved May 13th, 1846.

Joint resolution instructing our Senators and requesting our Representatives in the United States Congress, to oppose the substitution of specific duties on imports, in place of the present ad valorem system.

Joint resolution relative to frontier protection.

On motion of Mr. Wallace, the Senate adjourned.

THURSDAY, 9 o'clock, A. M., January 31st, 1850.

The Senate was called to order by the President, Senators present—Messrs. Brashear, Cooke, Davis, Grimes, Hart, Kinney, Latimer, McRae, Moffett, Pease, Phillips, Robertson, Taylor, Truit, Walker and Wallace.

The journals of yesterday were read and adopted.

Mr. Robertson, chairman of the committee on State Affairs, to whom was referred a bill to create the office of State Translator, reported a substitute for the same, and recommended its adoption and passage.

Mr. McRae, chairman of the committee on Printing, made the following report :

COMMITTEE ROOM, January 31st, 1850.

To the Hon. JOHN A. GREER,

President of the Senate :

The committee on Printing to whom was referred a resolution authorizing said committee to contract for the printing of three hundred and fifty copies of the Auditor and Comptroller's report, beg leave to report that they have contracted with the Austin Gazette for the printing of the whole number called for by the resolution, at the price of fifteen dollars, to be furnished in pamphlet form, to the Auditor and Comptroller.

Mr. Moffett, chairman of the committee on Engrossed Bills, reported as correctly engrossed ; a bill for the relief of the heirs of Arthur Eldridge ; and

A bill making an appropriation of land for the payment of Henry P. Brewster and James Webb, for professional services rendered by them in behalf of the State.

A message was received from the House of Representatives, informing the Senate, that the House had passed the following bills and joint resolutions, originating in the Senate, viz :

A bill for the relief of Frederick Scranton.